

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

VICTIM RIGHTS LAW CENTER *et al.*,

Plaintiffs,

v.

MIGUEL CARDONA, in his official capacity as
Secretary of Education *et al.*,

Defendants.

Case Number: 1:20-cv-11104

NOTICE OF ISSUANCE OF UNIFIED REGULATORY AGENDA

Counsel for Plaintiffs respectfully notify the Court of the issuance of a Unified Regulatory Agenda (“Agenda”) indicating the Department of Education’s intent to propose amendments to its regulations implementing Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, which may be viewed at: <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202104&RIN=1870-AA16>. The Agenda indicates that a Notice of Proposed Rulemaking will not be published until May 2022 at the earliest and describes the Title IX rulemaking as a “long-term” action.

Counsel for Plaintiffs are not aware of any executive action (including the Agenda) that establishes a timeline for changes to the Final Rule. Additionally, a formal notice and comment rulemaking process is typically lengthy—for example, while the Notice of Proposed Rulemaking for the Final Rule challenged in this case was issued in November 2018, the Final Rule itself was not issued until May 2020, eighteen months later. *See* 85 Fed. Reg. 30,026, 30,031 (May 19, 2020).

Currently, the Final Rule remains in effect. As the briefing and November 2020 oral argument in this case highlighted, the negative effects of the Final Rule (including the risk of exclusion of evidence) reinforce the concrete harms that Plaintiffs, and other survivors and organizations that represent them, continue to face in the absence of the injunctive relief sought in this litigation.

Dated: June 28, 2021

Respectfully submitted,

By: /s/ Evan M. Harris
Evan M. Harris
Natalie A. Fleming Nolen
Julie O'Neill
Vanshika Vij
Caitlin A. Crujido
Robin A. Smith
Morrison & Foerster LLP
2100 L Street, NW
Suite 900
Washington, D.C. 20037
Telephone: 202.887.1500

Emily Martin
Neena Chaudhry
Sunu Chandy
Shiwali G. Patel
Elizabeth Tang
National Women's Law Center
11 Dupont Circle, NW, Suite 800
Washington, DC 20036
Telephone: 202.588.5180

Diane L. Rosenfeld
Attorney at Law
Mass. Bar Number 668275
Cambridge, MA 02138

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that a copy of this notice was served this day on all parties via the Court's electronic case filing system.

Date: June 28, 2021

/s/ Evan M. Harris
Evan M. Harris